

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL DELEON, ET AL.,

Defendants.

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NO. 15-CR-4268-JB

MOTION FOR EXTENSION OF TIME TO FILE *DAUBERT* MOTIONS

COMES NOW, Defendant Edward Troup, by and through undersigned counsel, and submits this Motion for Extension of Time to File *Daubert* Motions on behalf of all Co-Defendants.

As grounds, Mr. Troup respectfully submits the following:

1. On April 3, 2017, the government filed its Notice of Expert Witness Testimony. No expert witness CVs were filed with the Notice. [Doc. 1043]

2. On August 15, 2017, undersigned counsel Cori Harbour-Valdez sent an email to the Assistant United States Attorneys requesting the CVs for all expert witnesses disclosed in Doc. 1043. Counsel did not receive a response from the government.

3. On September 1, 2017, the government filed its Amended Notice of Expert Witness Testimony and provided CVs for thirteen (13) of its sixteen (16) expert witnesses. [Doc. 1242]

4. Two of the expert witnesses whose CVs were not provided are expected to testify about matters related to Counts 1 and 3, the counts in which Mr. Troup is charged. Specifically, Ross E. Zumwalt, M.D. is expected testify about the autopsies he performed on victims F.C., R.G. and F.S. (Counts 1-3) and Kristen Radecki, a Forensic Serology Analyst with the New Mexico Department of Public Safety Forensic Laboratory, is expected to testify regarding the tests

conducted, and the results and conclusions of those tests involving DNA as to the homicides of F.C. and R.G. (Counts 1 and 2).

5. The other expert witness whose CV was not provided is identified as Eric Young, a Forensic Scientist with the New Mexico Department of Public Safety Forensic Laboratory. Mr. Young is expected to testify about the results and conclusions of examinations conducted by the Trace Unit (Fire Debris) as to the homicide of A.B. (Counts 4 and 5).

6. On September 15, 2017, Joe Gallegos, Edward Troup, Billy Garcia, Christopher Chavez, Arturo Arnulfo Garcia, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Carlos Herrera, Rudy Perez, and Brandy Rodriguez joined Christopher Garcia's Response to the United States Amended Notice of Expert Witness Testimony and Motion to Exclude Government's Expert Witnesses. [Doc. 1255]

7. At 12:10 p.m. on October 6, 2017, undersigned counsel Cori Harbour-Valdez was emailed a copy of Dr. Zumwalt's CV. Defense counsel desire more than twelve (12) hours to review said CV and determine if a *Daubert* motion should be filed.

8. As argued in Mr. Garcia's Response, the Defendants are unable to adequately prepare for trial with relation to the government's expert witnesses because the government failed to meet its pretrial disclosure requirements pursuant to Rule 16(a)(1)(G). [Doc. 1255] This includes counsels' ability to challenge the government's experts via *Daubert* motions.

9. For these reasons, Mr. Troup on behalf of all Co-Defendants requests the Court grant an extension of time in which to file *Daubert* motions until four (4) weeks after the government discloses the CVs of expert witnesses Kristen Radecki and Eric Young, and meets its other Rule 16 obligations as argued in Doc. 1255.

10. Assistant United States Attorney Maria Armijo indicated the government would agree to a one-week extension.

11. As noted *supra*, Counsel for all remaining Co-Defendants JOIN in the instant motion.

WHEREFORE, PREMISES CONSIDERED, Defendant Edward Troup respectfully requests that this Court grant an extension of time in which to file *Daubert* motions until four (4) weeks after the government discloses the CVs of expert witnesses Kristen Radecki and Eric Young, and meets its other Rule 16 obligations as argued in Doc. 1255.

DATED: October 6, 2017.

Respectfully submitted,

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Counsel for Edward Troup (3)

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2017, I e-filed the foregoing to the Clerk of the Court via the CM/ECF system which will send notification of such filing to counsel of record.

/s/ Cori A. Harbour-Valdez
Cori A. Harbour-Valdez